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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,832	08/06/2003	Koji Tanabe	43890-626	8609

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EXAMINER

WILLIAMS, JOSEPH L

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,832	Applicant(s) TANABE ET AL.	
	Examiner Joseph L. Williams	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/095104.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/095,104, filed on 12 March 2002. **Specification**
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Eilersten et al. (of record by Applicant).

Regarding claim 1, the Applicant admits in prior art figure 6 an EL lamp comprising a transparent substrate (51) a light-transmitting electrode layer (52) on the transparent substrate (51), a synthetic resin layer (53A) on the light transmitting electrode layer; a luminescent layer (53B) on the resin layer, a dielectric layer (54) on the luminescent layer; a back electrode layer (55) on the dielectric.

The prior art figure does not disclose that the synthetic resin layer is an

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adhesive layer or that the luminescent layer is formed of phosphor particles on the resin layer fixed uniformly.

Eilertsen ('567) teaches in column 4, lines 29-50 that that the synthetic resin layer is an adhesive layer and that the luminescent layer is formed by sticking phosphor particles on the resin layer uniformly for the purpose of assuring uniformity of the electric field and thus improve the brightness of the display.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the resin and luminescent layer of Eilertsen in the display of the admitted prior art for the purpose of assuring uniformity of the electric field and thus improve the brightness of the display.

Regarding claim 2, the Examiner notes that the limitation of the luminescent layer being formed by spraying the phosphor particles on a surface of the synthetic resin layer, then heating and pressing the synthetic resin layer for sinking the phosphor particles in the synthetic resin layer, is drawn to a process of manufacturing, which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the

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subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113).

Regarding claim 3, Eilertsen ('567) teaches that the resin is not an adhesive at room temperature.

The reason for combining is the same as for claim 1 above.

Regarding claim 4, Eilertsen ('567) teaches in column 4, lines 11-14, that the diameter of one of the phosphor particles is greater than a thickness of the synthetic resin layer.

The reason for combining is the same as for claim 1 above.

Regarding claim 5, Eilersten ('567) teaches in column 2, lines 24-27 that the principal ingredient of the synthetic resin layer is cyano resin.

The reason for combining is the same as for claim 1 above.

Regarding claims 6 and 7, Eilertsen ('567) teaches in column 4, lines 11-29 the general conditions that the diameter of one of the phosphor particles is greater than a thickness of the synthetic resin layer, and further teaches that the particle size will depend upon the application desired. Thus the thickness of the resin layer and the diameter of the particles would be an obvious choice in design.

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The reason for combining is the same as for claim 1 above.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admitted prior art in view of Eilersten et al. (US 4,902,567) as applied to claim 1 above, and further in view of Vincent et al. (US 5,598,067).

Regarding claim 8, the admitted prior art in view of Eilersten ('567) teaches all of the claimed limitations except for the substrate having a curved shaped surface.

Further regarding claim 8, Vincent ('067) teaches in figure 11 and in column 8, lines 63-67, an EL display device comprised of, in part, a curved substrate (477) for the purpose of focusing the radiation emitted from the display.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the curved substrate of Vincent in the EL display of the admitted prior art and Eilersten for the purpose of focusing the radiation emitted from the display.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Williams

Examiner
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